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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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ERNESTO CANO,

§

Petitioner,

§

*versus*

§ CIVIL ACTION NO. 1:20-CV-525

WARDEN, FCI BEAUMONT,

§

Respondent.

§

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Ernesto Cano, a prisoner confined at the Federal Prison Camp in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the respondent's motion for summary judgment and dismissing the petition without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#10) is **ADOPTED**. The

respondent's motion for summary judgment (#9) is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of October, 2021.

  
Marcia A. Crone  
MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE